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[Additional counsel identified on signature page in accordance with Local Rule 3-4(a)(1)]

Attorneys for Plaintiff Federal Trade Commission

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

MICROSOFT CORP.

and

ACTIVISION BLIZZARD, INC.,

Defendants.

Case No. 3:23-cv-2880-JSC

**PLAINTIFF FEDERAL TRADE
COMMISSION'S ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
ANOTHER PARTY'S MATERIAL
SHOULD BE SEALED**

Dept.: Courtroom 8
Judge: Honorable Jacqueline Scott Corley

PLAINTIFF FEDERAL TRADE COMMISSION'S ADMINISTRATIVE MOTION TO CONSIDER WHETHER
ANOTHER PARTY'S MATERIAL SHOULD BE SEALED
CASE NO. 3:23-CV-2880-JSC

Pursuant to Civil Local Rules 7-11 and 79-5(f) and this Court's Order (Dkt. 333), Plaintiff Federal Trade Commission respectfully submits this Administrative Motion to Consider Whether Another Party's Material Should be Sealed in connection with Plaintiff's Initial Findings of Fact and Conclusions of Law ("Initial FoF-CoL"). Plaintiff served its Initial FOF-CoL under seal to the Court and Defendants on June 20, 2023 and filed its Initial FOF-CoL in provisionally redacted form on June 22, 2023 (Dkt. 175).

Certain portions of Plaintiff's Initial FoF-CoL contain information that was obtained during the course of discovery in the underlying administrative proceeding, *In re Microsoft Corp. and Activision, Blizzard, Inc.*, FTC Docket No. 9412, and that the producing party designated as Confidential pursuant to the Protective Order Governing Confidential Material entered in the administrative proceeding on December 9, 2022. Such information was obtained from Defendants Microsoft Corp. and Activision Blizzard, Inc. and third parties Amazon.com, Inc.; Google LLC; Nintendo of America Inc.; Nvidia Corporation; Sony Interactive Entertainment LLC; and Valve Corporation.

As detailed below, Plaintiff reasonably expects that interested parties may file confidentiality declarations in support of sealing as required by Local Rule 79-5. Accordingly, Plaintiff has filed under seal:

Paragraph	Page(s)	Line(s)	Party
9	1	24-25	Defendants
10	1	27-28	Defendants
11	2	1-2	Defendants
12	2	4	Defendants
13	2	5-6	Sony
14	2	9	Sony
15	2	11	Sony
16	2	13-14	Defendants
17	2	16	Defendants
18	2	18	Defendants
19	2	20	Defendants
20	2	22	Defendants
22	2	26	Sony

PLAINTIFF FEDERAL TRADE COMMISSION'S ADMINISTRATIVE MOTION TO CONSIDER WHETHER ANOTHER PARTY'S MATERIAL SHOULD BE SEALED
CASE NO. 3:23-CV-2880-JSC

Paragraph	Page(s)	Line(s)	Party
22	2	26-27	Defendants
23	3	2-3	Sony
23	3	3-4	Defendants
24	3	7	Sony
25	3	9-10	Sony
26	3	14	Sony
26	3	14-15	Defendants
27	3	18-19	Defendants
28	3	22	Defendants
29	3	24-25	Defendants
30	3	27	Defendants
31	4	1-2	Nintendo
32	4	3-4	Nintendo
33	4	6-7	Nintendo
34	4	10, 11-12	Nintendo
35	4	14	Nintendo
36	4	16, 17	Sony
37	4	18-20	Defendants
38	4	21-23	Sony
39	4	25, 26	Sony
40	4	28	Defendants
41	5	3	Defendants
42	5	4-7	Defendants
43	5	8-10	Defendants
44	5	14	Defendants
44	5	14-15	Sony
45	5	17-18	Defendants
46	5	21-22	Defendants
47	5	24-25	Defendants
47	5	25-26	Sony
48	5-6	5:27-6:2	Nintendo
49	6	3-5	Nintendo
50	6	6-8	Nintendo
51	6	9-11	Nintendo
52	6	13-14	Nintendo
53	6	16	Nintendo
54	6	18-19	Nintendo
55	6	22	Nintendo
56	6	25-26	Nintendo
56	6	26-27	Defendants
57	7	2-3	Nintendo
58	7	5-6, 7	Nintendo
58	7	6-7	Defendants

PLAINTIFF FEDERAL TRADE COMMISSION'S ADMINISTRATIVE MOTION TO CONSIDER WHETHER
 ANOTHER PARTY'S MATERIAL SHOULD BE SEALED
 CASE NO. 3:23-CV-2880-JSC

Paragraph	Page(s)	Line(s)	Party
59	7	9-13	Defendants
60	7	14-15	Sony
60	7	16-18	Defendants
61	7	19-22	Defendants
62	7	24, 25	Nintendo
62	7	26, 27	Defendants
62	7	26, 27	Sony
63	8	3	Nintendo
64	8	6	Defendants
64	8	6	Sony
65	8	8-9	Defendants
65	8	8-9	Nintendo
65	8	8-9	Sony
66	8	10-12	Defendants
66	8	10-12	Nintendo
66	8	10-12	Nintendo
66	8	10-12	Sony
67	8	15	Sony
67	8	16	Defendants
68	8	19-20, 23-26	Defendants
69	8-9	8:28-9:1	Nintendo
70	9	6, 8-14	Defendants
71	9	15-18	Nintendo
72	9	19-22	Nintendo
73	9	24-25	Defendants
73	9	25-26	Nintendo
75	10	1-2	Nintendo
76	10	4	Defendants
76	10	4-7	Sony
77	10	8-10	Nintendo
78	10	12-13	Nintendo
79	10	14-15	Nintendo
80	10	16-18	Nintendo
81	10	19-23	Nintendo
82	10	26-27	Defendants
84	11	6-7	Defendants
84	11	6-7	Sony
85	11	10	Sony
86	11	13	Defendants
87	11	16, 18, 20-21	Sony
88	11	24	Sony
89	11-12	89:26, 89:27-90:1	Sony
90	12	4-7	Defendants

PLAINTIFF FEDERAL TRADE COMMISSION'S ADMINISTRATIVE MOTION TO CONSIDER WHETHER
 ANOTHER PARTY'S MATERIAL SHOULD BE SEALED
 CASE NO. 3:23-CV-2880-JSC

Paragraph	Page(s)	Line(s)	Party
91	12	8-12	Defendants
92	12	13-15	Defendants
93	12	16-20	Defendants
94	12	21-23	Sony
95	12	24-26	Defendants
96	13	2-3	Defendants
97	13	5-8	Defendants
98	13	10-11	Defendants
99	13	12-14	Defendants
100	13	15-16	Defendants
101	13	17-18	Defendants
102	13	19-20	Defendants
103	13	22-25	Defendants
104	13	26-27	Defendants
106	14	9	Defendants
107	14	12	Defendants
108	14	13	Defendants
109	14	14, 17	Defendants
110	14	20	Defendants
111	14	21, 22	Defendants
112	14	23-24	Defendants
113	14	25, 26	Defendants
114	14-15	27, 28	Defendants
114	14-15	3	Sony
115	15	7	Defendants
116	15	10	Defendants
117	15	13-14, 15-16	Sony
118	15	17, 18, 19, 20	Sony
119	15	21, 22-23	Sony
120	15-16	120:26-27, 121:2	Sony
121	16	5-6	Sony
122	16	12-13	Amazon
123	16	16	Defendants
124	16	20	Defendants
125	16	23-24	Nvidia
126	16	27	Defendants
126	16	27	Nvidia
127	17	2	Defendants
127	17	2-3	Nvidia
128	17	6	Nvidia
129	17	12	Nvidia
129	17	9-12	Defendants
130	17	18-19	Nvidia

PLAINTIFF FEDERAL TRADE COMMISSION'S ADMINISTRATIVE MOTION TO CONSIDER WHETHER
 ANOTHER PARTY'S MATERIAL SHOULD BE SEALED
 CASE NO. 3:23-CV-2880-JSC

Paragraph	Page(s)	Line(s)	Party
131	17	23-26	Nvidia
133	18	4	Defendants
134	18	6	Defendants
135	18	9	Defendants
137	18	15-18	Defendants
138	18	20	Defendants
138	18	22-23	Sony
139	18	26-27	Amazon
140	19	5	Nvidia
141	19	8	Google
142	19	9-10	Google
143	19	12-13, 14-18	Defendants
143	19	18-19	Sony
144	19	20-21	Sony
145	19	23-24	Defendants
146	19	26-27	Defendants
146	20	1-2	Sony
147	20	4-6	Defendants
148	20	7-10	Defendants
149	20	11-14	Defendants
150	20	17-18	Defendants
151	20	21	Defendants
152	20	22-25	Defendants
153	20	26-27	Defendants
154	21	1-5	Defendants
155	21	6-7	Defendants
156	21	12-15	Defendants
157	21	17-21	Defendants
158	21	22-25	Defendants
159	21-22	159:26-160:2	Defendants
161	22	6-12	Defendants
162	22	13-16	Defendants
163	22	17-24	Defendants
164	22	25-26	Defendants
165	23	2-3	Defendants
166	23	4-6	Nvidia
167	23	9-11	Defendants
168	23	12-14	Defendants
169	23	15-17	Defendants
171	23	20-23	Defendants
172	23	24-26	Defendants
173	24	1-3	Defendants
174	24	4-8	Defendants

PLAINTIFF FEDERAL TRADE COMMISSION'S ADMINISTRATIVE MOTION TO CONSIDER WHETHER
 ANOTHER PARTY'S MATERIAL SHOULD BE SEALED
 CASE NO. 3:23-CV-2880-JSC

Paragraph	Page(s)	Line(s)	Party
175	24	9-12	Nvidia
176	24	14-18	Defendants
177	24	21-24	Defendants
178	24	25-28	Defendants
179	25	1-2	Defendants
180	25	3-6	Defendants
181	25	10-12	Defendants
181	25	7-10	Sony
182	25	13-14	Sony
183	25	17	Defendants
184	25	20-24	Defendants
185	25	25-28	Defendants
186	26	1-3	Defendants
187	26	4-6	Defendants
188	26	7-8	Defendants
189	26	9-14	Defendants
190	26	17	Defendants
191	26	18-19	Defendants
192	26	20, 21	Defendants
193	26	22-23	Defendants
194	26	24-26	Defendants
195	26-27	195:28, 196:1-3	Defendants
195	27	1-3	Defendants
196	27	4-7	Defendants
198	27	9-10	Defendants
199	27	14-16	Defendants
200	27	18-20	Sony
201	27-28	201:26-202:2	Sony
202	28	4-5	Defendants
203	28	6-7	Defendants
204	28	10, 12	Sony
205	28	13-14	Sony
210	28	26-28	Sony
211	29	1-3	Sony
212	29	4-5	Sony
213	29	6-7	Sony
214	29	8-12	Sony
216	29	17-19	Defendants
218	30	5	Defendants
218	30	5-6	Sony
219	30	7-11	Defendants
220	30	12-15	Defendants
221	30	16-18	Defendants

PLAINTIFF FEDERAL TRADE COMMISSION'S ADMINISTRATIVE MOTION TO CONSIDER WHETHER
 ANOTHER PARTY'S MATERIAL SHOULD BE SEALED
 CASE NO. 3:23-CV-2880-JSC

Paragraph	Page(s)	Line(s)	Party
222	30	19-21	Defendants
223	30	22-24	Defendants
224	30	25-27	Sony
225	31	1-2	Sony
227	31	16, 17-20	Defendants
228	31	25-27	Sony
228	31-32	25, 27-2	Defendants
229	32	4, 5	Defendants
230	32	6-12	Nintendo
231	32	13-16	Defendants
232	32	19-20, 21	Nintendo
233	32	23-23, 24-25	Sony
234	32-33	27-3	Defendants
234	33	3-4	Sony
235	33	7-11	Defendants
236	33	12-15	Sony
237	33	20	Defendants
237	33	20-21	Sony
238	33	23, 26-27	Defendants
238	33	25	Nintendo
239	34	14-17	Sony
239	34	1-6	Defendants
239	34	6-9	Nintendo
240	34	14-17	Sony
242	34	22-26	Nintendo
243	34-35	27-3	Sony
244	35	12	Sony
244	35	4-9	Defendants
245	35	13-15	Nintendo
245	35	15-20	Sony
248	36	7-9	Defendants
249	36	10-12	Defendants
250	36	13-15	Defendants
250	36	13-15	Nintendo
250	36	13-15	Sony
251	36	16-17	Defendants
251	36	16-17	Nintendo
251	36	16-17	Sony
252	36	20	Valve
253	36	22-24	Nintendo
255	37	12-18	Defendants
256	37	19-21	Defendants
257	37	24-27	Defendants

PLAINTIFF FEDERAL TRADE COMMISSION’S ADMINISTRATIVE MOTION TO CONSIDER WHETHER
 ANOTHER PARTY’S MATERIAL SHOULD BE SEALED
 CASE No. 3:23-cv-2880-JSC

Paragraph	Page(s)	Line(s)	Party
258	38	1-5	Defendants
259	38	6-8	Defendants
261	38	13-18	Defendants
262	38	24-25	Sony
263	38	26-27	Defendants
264	39	1-4	Sony
265	39	5-8	Sony
266	39	9-15	Defendants
267	39	17-21	Defendants
268	39	23-28	Defendants
269	40	1-6	Defendants
270	40	7-17	Defendants
271	40	18-20	Defendants
275	41	13-18	Defendants
276	41	19-22	Defendants
277	41	19-22	Nvidia
278	41	41:27-42:5	Amazon
279	42	6-8	Google
280	42	10-17	Defendants
280	42	10-17	Nvidia
281	42	21-25	Nvidia
282	43	2	Defendants
283	43	5	Defendants
284	43	6-8	Nvidia
285	43	9-12	Defendants
286	43	13-15	Defendants
287	43	16-19	Defendants
288	43	20-26	Defendants
289	44	1-3	Defendants
290	44	4-5	Defendants
291	44	6-7	Defendants
292	44	8-9	Defendants
293	44	13	Defendants
296	45	3	Nvidia
298	45	10-12	Defendants
299	45	13-17	Defendants
300	45	18-25	Defendants
301	45	45:26-46:2	Nvidia
308	47	3-4	Sony
309	47	5-7	Defendants
310	47	8-10	Defendants
311	47	11-12	Defendants
312	47	13-15	Defendants

PLAINTIFF FEDERAL TRADE COMMISSION’S ADMINISTRATIVE MOTION TO CONSIDER WHETHER
ANOTHER PARTY’S MATERIAL SHOULD BE SEALED
CASE NO. 3:23-CV-2880-JSC

Paragraph	Page(s)	Line(s)	Party
313	47	16-17	Defendants
314	47	18-19	Defendants
315	47	22	Defendants
316	48	1-3	Defendants
317	48	4-6	Defendants
318	48	7-9	Defendants
319	48	10-12	Sony
320	48	13-14	Sony
321	48	15-17	Nvidia
321	48	15-17	Sony
322	48	21-23	Defendants
323	48	24-28	Defendants
324	49	1-9	Defendants
325	49	10-13	Defendants
326	49	14-16	Defendants
327	49	17-21	Defendants
328	49	49:22-50:2	Defendants
329	50	3-7	Defendants
330	50	8-11	Defendants
330	50	8-11	Sony
331	50	12-16	Defendants
332	50	17-20	Defendants
333	50	21-28	Defendants
334	51	1-2	Sony
335	51	4-7	Sony
336	51	8-10	Sony
337	51	11-18	Defendants
338	51	19-25	Defendants
339	52	5-7	Defendants
340	52	8-10	Defendants
341	52	11-12	Defendants
343	52	18-19	Defendants
344	52	20-22	Defendants
345	52	23-24	Defendants
346	53	5-11	Defendants
347	53	12-16	Defendants
349	54	1-9	Defendants
350	54	10-15	Defendants
351	54	16-21	Defendants
352	54	22-28	Defendants
353	55	1-10	Defendants
354	55	11-16	Defendants
355	55	17-23	Defendants

PLAINTIFF FEDERAL TRADE COMMISSION’S ADMINISTRATIVE MOTION TO CONSIDER WHETHER
ANOTHER PARTY’S MATERIAL SHOULD BE SEALED
CASE NO. 3:23-CV-2880-JSC

Paragraph	Page(s)	Line(s)	Party
356	55	25	Defendants
356	55	55:28-56:2	Sony
357	56	3-9	Defendants
358	56	12-20	Sony
359	56	21-25	Defendants
360	56	56:26-57:4	Defendants
362	57	9-15	Defendants
363	57	16-23	Defendants
364	57	24-28	Defendants
365	58	1-7	Defendants
367	58	12-16	Defendants
368	58	17-23	Defendants
369	58	24-27	Defendants
370	59	1-6	Defendants
371	59	7-10	Nvidia
372	59	11-12	Nvidia
372	59	12-16	Defendants
373	59	17-20	Defendants
374	59	21-24	Defendants
375	59	59:25-60:6	Defendants
376	60	10-12	Nvidia
376	60	7-10	Defendants
377	60	13-20	Defendants
378	60	21-28	Defendants
379	61	4-8	Nvidia
380	61	9-12	Sony
381	61	13-15	Sony
381	61	15-20	Nvidia
382	61	21-25	Sony
383	61	26-27	Sony
383	61	61:27-62:4	Nvidia
384	62	5-8	Nvidia
385	62	9-12	Nvidia
386	62	13-15	Sony
386	62	16-26	Defendants
387	62	27-28	Sony
388	63	5-11	Defendants
389	63	12-22	Defendants
391	64	2-5	Defendants
392	64	6-14	Defendants
393	64	15-17	Defendants
394	64	18-20	Defendants
395	64	21-26	Defendants

PLAINTIFF FEDERAL TRADE COMMISSION’S ADMINISTRATIVE MOTION TO CONSIDER WHETHER
ANOTHER PARTY’S MATERIAL SHOULD BE SEALED
CASE NO. 3:23-CV-2880-JSC

Paragraph	Page(s)	Line(s)	Party
397	65	5-10	Defendants
398	65	11-12	Defendants
399	65	14	Sony
400	65	15-17	Defendants
401	65	18-22	Defendants
402	65	23-27	Defendants
403	65	65:28-66:5	Defendants
404	66	15-16	Defendants
405	66	17-21	Defendants
406	66	66:22-67:1	Defendants
407	67	2-5	Defendants
408	67	6-11	Defendants
409	67	12-15	Defendants
410	67	16-20	Defendants
411	67	67:21-68:3	Defendants
412	68	5-12	Defendants
413	68	15-20	Defendants
414	68	21-27	Defendants
415	69	1-8	Defendants
417	69	19-24	Defendants
418	69	69:27-70:3	Defendants
420	70	12-23	Defendants
421	70	24-26	Defendants
422	70	27-28	Defendants
423	71	1-4	Defendants
424	71	5-17	Defendants
425	71	19-20	Defendants
426	71	23, 25	Defendants
427	71	27	Defendants
428	72	2-6	Defendants
429	72	7-14	Defendants
430	72	17-26	Defendants
431	72	72:28, 73:2-4	Sony
432	73	6-13	Defendants
433	73	14-21	Defendants
434	73	73:22-74:2	Defendants
435	74	3-8	Defendants
436	74	9-15	Defendants
437	74	16-21	Defendants
438	74	74:22-75:1	Sony
439	75	3-4	Defendants
440	75	7-8	Defendants
441	75	16	Defendants

PLAINTIFF FEDERAL TRADE COMMISSION'S ADMINISTRATIVE MOTION TO CONSIDER WHETHER
 ANOTHER PARTY'S MATERIAL SHOULD BE SEALED
 CASE NO. 3:23-CV-2880-JSC

Paragraph	Page(s)	Line(s)	Party
442	75	18-19	Defendants
443	75	20-24	Defendants
444	75	26-27	Defendants
445	76	1-3	Defendants
446	76	6-7	Defendants
447	76	10	Defendants
449	76	14-17	Defendants
450	76	18-22	Defendants
452	76	76:28-77:1	Defendants
452	77	5-8	Defendants
453	77	13	Defendants
454	77	17-20	Defendants
455	77	21-26	Defendants
456	77	77:27-78:3	Defendants
457	78	5-9	Defendants
458	78	10-11	Defendants
458	78	11-13	Nvidia
459	78	14-16	Nvidia
460	78	18-21	Defendants
461	78	23-25	Defendants
462	78	78:27-79:2	Defendants
463	79	4-10	Defendants
464	79	11-17	Defendants
465	79	19-20	Defendants
466	79	23-27	Defendants
467	80	3-5	Defendants
468	80	6-7	Defendants
468	80	7-10	Nvidia
469	80	11-13	Defendants
470	80	19	Sony
470	80	19-20	Nvidia
471	80	23	Nvidia
472	80	26-27	Sony
473	81	1-7	Sony
474	81	11	Sony
474	81	8-9, 12-13	Defendants
475	81	14-16	Sony
476	81	17-21	Sony
477	81	22-25	Sony
478	81	81:26-82:2	Sony
479	82	3-5	Sony
480	82	9	Defendants
481	82	10-15	Sony

PLAINTIFF FEDERAL TRADE COMMISSION’S ADMINISTRATIVE MOTION TO CONSIDER WHETHER
 ANOTHER PARTY’S MATERIAL SHOULD BE SEALED
 CASE No. 3:23-cv-2880-JSC

Paragraph	Page(s)	Line(s)	Party
482	82	17-19	Nvidia
483	82	20-23	Nvidia
484	82	24-26	Nvidia
485	82	82:27-83:2	Nvidia
487	83	12-14	Defendants
488	83	15-17	Valve
488	83	18-20	Defendants
488	83	18-20	Sony
489	83	21-26	Defendants
490	83	27-28	Defendants
492	84	7-8	Sony
493	84	9-11	Nvidia
494	84	12-20	Defendants
495	84	84:27-85:2	Google
495	85	2-4	Amazon
496	85	5-7	Defendants
497	85	8-9	Defendants
498	85	11-12	Nvidia
499	85	13-17	Defendants
500	85	20-21	Defendants
501	85	22-23	Defendants
502	85	24-27	Defendants
504	86	6-11	Defendants
505	86	13-15	Defendants
506	86	16-26	Defendants
506	86	17-26	Nintendo
507	86	27-28	Defendants
507	87	1-3	Defendants
508	87	6-8	Defendants
509	87	11-17	Defendants
510	87	18-23	Defendants
513	88	5-8	Defendants
514	88	10-15	Defendants
516	88	22-25	Nintendo
517	88	26-28	Defendants
519	89	5-7	Nintendo
520	89	8-10	Defendants
521	89	11-17	Defendants
522	89	18-22	Nintendo
523	89	23-25	Defendants
524	89	26-27	Defendants
525	90	1-3	Defendants
526	90	4-7	Defendants

PLAINTIFF FEDERAL TRADE COMMISSION’S ADMINISTRATIVE MOTION TO CONSIDER WHETHER
 ANOTHER PARTY’S MATERIAL SHOULD BE SEALED
 CASE NO. 3:23-CV-2880-JSC

Paragraph	Page(s)	Line(s)	Party
527	90	8-10	Defendants
529	90	16-18	Nvidia
530	90	19-21	Defendants
531	90	22-24	Defendants
532	90	25-27	Defendants
533	91	1-3	Defendants
534	91	4-6	Defendants
535	91	8-10	Defendants
535	91	8-10	Nvidia
536	91	11-13	Defendants
536	91	11-13	Nvidia
537	91	14-16	Defendants
538	91	17-19	Defendants
539	91	20-22	Defendants
540	91	23-26	Defendants
541	92	1-3	Defendants
542	92	4-7	Defendants
543	92	12-15	Sony
543	92	9	Defendants
544	92	16-19	Sony
545	92	20-28	Sony
546	93	1-7	Sony
547	93	8-9	Sony
548	93	10-12	Sony
549	93	13-14	Sony

Materials and documents may be provisionally filed under seal pursuant to Civil Local Rule 79-5(f) when the document, or portions thereof, “has been designated as confidential by another party or non-party.” L.R. 79-5(f).

Plaintiff takes no position on the merits of sealing any material designated as confidential by a producing party.

Pursuant to Civil Local Rule 79-5(d), the unredacted version of Plaintiff’s Initial FoF-CoL is attached to this Administrative Motion. Pursuant to Local Rule 7-11, Plaintiff has filed a Proposed Order with this Administrative Motion.

1 Dated: July 31, 2023

Respectfully submitted,

3 /s/ James H. Weingarten

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